

**Specific Issues Raised by Draft Municipal Regional Stormwater  
NPDES Permit Dated December 14, 2007 and Possible Solutions**

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
<b>Issuing Waste Discharge Requirements</b>	Page 1 of TO	<ul style="list-style-type: none"> <li>Lists City/County Association of Governments (C/CAG) of San Mateo County as a discharger covered by permit.</li> </ul>	<ul style="list-style-type: none"> <li>C/CAG does not own or operate an MS4 and should not be listed as a discharger. SMCWPPP recommends that the permit delete C/CAG as a discharger and add language stating that the San Mateo Countywide Water Pollution Prevention Program is a program of the City/County Association of Governments of San Mateo County.</li> </ul>
<b><i>Municipal Operations Provision C.2</i></b>	1. Street Sweeping	<ul style="list-style-type: none"> <li>Map designated streets and roads with sweeping frequency by Nov, 30 2008.</li> <li>Sweep high priority streets a minimum of 2x/month.</li> <li>Sweep low priority streets at least twice before rainy season.</li> <li>75% of replaced street sweepers shall have particulate removal of regenerative air sweepers or better.</li> </ul>	<ul style="list-style-type: none"> <li>It is unclear why the Water Board needs these maps and what it would do with them. Municipalities cannot afford to develop maps that have no purpose. SMCWPPP suggests that this proposed permit requirement be deleted.</li> <li>The fact sheet does not describe the technical basis for sweeping high priority streets twice a month and what impact this frequency of sweeping will have on improving MS4 stormwater quality. For example, how does sweeping frequency impact water quality during the dry season? Twice a month sweeping may represent a significant increase for some municipalities. SMCWPPP recommends the deletion of this requirement and replacement with a requirement that allows municipalities to continue the currently allowed frequency of sweeping.</li> <li>Most cities have already developed a frequency of sweeping that meets local needs; it is unclear that there is a water quality benefit to making these changes. As described above, the permit should be modified to allow the current frequency of sweeping to continue.</li> <li>Municipalities need to consider all of their operational needs and local conditions when deciding on the purchase of street sweepers. Regenerative air sweepers are not good for all situations, and SMCWPPP is unaware of any technical studies that demonstrate that using regenerative air sweepers improve MS4 stormwater quality. SMCWPPP recommends that the draft permit requirement be modified to state that the Water Board encourages municipalities to consider purchasing regenerative air sweepers when purchasing new sweepers.</li> </ul>
	2. Street and Road Repair		
	3. Sidewalk/Plaza Maintenance	<ul style="list-style-type: none"> <li>Prohibition of wash water entering storm drains even if effective BMPs allowed by BASMAA mobile surface program are implemented.</li> </ul>	<ul style="list-style-type: none"> <li>The draft permit should be modified to allow the discharge of washwaters to storm drains as described in BASMAA's BMPs for Mobile Surface Cleaner Program. The draft permit states that these BMPs shall be used, but it implies their use means that there would be no discharges to storm drains, which is inaccurate.</li> </ul>
	4. Bridge and Structure Maintenance		

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	5. Catch Basin Inspection and Cleaning	<ul style="list-style-type: none"> <li>Inspect and clean ALL (i.e., regardless of ownership) inlets at least once per year before rainy season</li> <li>Identify inlets with high accumulations of litter/trash.</li> <li>Inspect and maintain inlets with excessive sediment, trash, and debris twice a year.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the draft permit be changed to limit this inlet inspection and cleaning requirement to inlets that municipalities own or operate and are part of the MS4 covered by the permit. Also, the language should be changed to only require inlet cleaning when an inspection shows that cleaning is needed.</li> <li>The draft permit should have language added that the identification of inlets with high accumulations of trash/litter is for the purpose of identifying high trash and litter impact catchments per Provision c.10.a.i.</li> <li>The draft permit allows the following alternative to the requirement for twice a year inlet inspections and maintenance: do what is required for compliance with Provision C.10 (Trash Reductions). SMCWPPP suggests that the permit should allow other alternatives to this permit requirement as long as the alternatives help to lessen the accumulation of sediment, trash or debris.</li> </ul>
	6. Stormwater Pump Stations	<ul style="list-style-type: none"> <li>Required to inspect pump stations, regardless of ownership, at least 4x per year to address water quality problems. Keep records of maintenance and volume or mass of wastes removed.</li> <li>Required to inspect and maintain trash racks and oil absorbent booms, regardless of ownership, during or within 24 hours of significant storm events.</li> </ul>	<ul style="list-style-type: none"> <li>The draft permit should be changed to only require that municipalities inspect stormwater pump stations that they own or operate. The fact sheet does not describe the technical basis for requiring inspections at a minimum frequency of four times per year. A particular pump station may not have water quality problems, and not justify 4x per year inspections. In addition, it is unclear what benefit there would be to provide the Water Board with information about the volume or mass of material removed from a particular pump station. SMCWPPP recommends that the permit avoid requirements to collect and report unnecessary information.</li> <li>The requirement for pump station maintenance during or within 24 hours of significant storm events is too inflexible. Municipalities have experience with how often these pump stations need to be maintained. SMCWPPP is unaware of any water quality problems that have been identified resulting from inadequate maintenance, and it recommends that this level of specificity is unnecessary to include in the permit.</li> </ul>
	7. Rural Public Works Construction and Maintenance	<ul style="list-style-type: none"> <li>Requirements expand existing BMPs to cover ALL rural roads during construction AND post-construction (no restrictions on who maintains).</li> <li>Requirement for BMPs, technical assistance and training by July 1, 2009.</li> <li>Increased maintenance requirements for stream crossings and drainage culverts.</li> <li>Increased maintenance requirements for rural roads near creeks.</li> <li>Required training at least twice during permit term on rural road BMPs.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be changed to only require that municipalities covered under the permit be responsible for implementing BMPs on rural roads that they own or operate.</li> <li>SMCWPPP recommends that there not be any fixed compliance dates in the permit, and that all dates be specified based on the permit adoption date. On this basis, it is recommended that the BMPs be identified within one year of permit adoption and training on these BMPs be completed within two years of permit adoption.</li> <li>SMCWPPP recommends that these additional requirements be conditioned to only apply where the additional maintenance and rehabilitation of stream crossings and culverts is needed and part of a MS4 owned or operated by a municipality covered under the permit..</li> <li>The permit should not contain a blanket requirement to increase maintenance for rural roads adjacent to streams and riparian habitat unless there is a known MS4-related water quality problem that requires attention. SMCWPPP recommends that the permit be modified to incorporate this suggestion.</li> <li>The permit's BMP training requirement should be limited to municipalities that conduct rural public works maintenance associated with the MS4 that they own or operate.</li> </ul>

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	8. Corporation Yard BMP Implementation	<ul style="list-style-type: none"> <li>Requirement to develop SWPPPs for non-NOI corp. yards/facilities.</li> <li>Requirements for annual inspection.</li> <li>Retrofitting all wash areas to plumb to sanitary sewer.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the draft permit be modified to require that municipalities use appropriate BMPs to control potential pollutant sources at corporation yards that they own or operate, but not to prepare Stormwater Pollution Prevention Plans that may not be useful.</li> <li>The requirement for an annual inspection of the corporation yard is unnecessary if a basic requirement for implementing BMPs at municipal corporation yards is included in the permit. SMCWPPP recommends that the permit incorporate this suggestion.</li> <li>Some rural corporation yard-type of facilities are not accessible to sanitary sewers, and the draft permit should allow wash waters to flow to vegetated areas or other areas that do not impact MS4 water quality. SMCWPPP recommends that the permit allow this alternative.</li> </ul>
<b>New Development and Redevelopment Provision C.3</b>	1. Performance Standard Implementation (C.3.a)	<ul style="list-style-type: none"> <li>Implement basic elements upon MRP adoption</li> <li>Need for clarification about reference to “<u>a</u>ll new development and redevelopment projects not regulated by C.3” means.</li> </ul>	<ul style="list-style-type: none"> <li>The permit should allow an adequate period to phase in new requirements that are similar, but not identical to existing requirements. SMCWPPP recommends that the permit allow a two-year phase in period because of all of the other competing MRP requirements that municipalities need to meet.</li> <li>SMCWPPP recommends that additional language be added to clarify that the language under C.3.a.(6) and (7) means all projects that are subject to the municipalities development project review. Otherwise, this becomes a new requirement that extends to a much larger group of projects, would be significantly burdensome on municipal staff, and would be impossible to implement immediately upon permit adoption.</li> </ul>
	2. Regulated Projects <ul style="list-style-type: none"> <li>Special Land Use Categories</li> <li>Other Development Projects</li> <li>Other Re-Development Projects</li> <li>New Road Projects</li> <li>Road Expansion or Rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>Reduces impervious threshold to 5,000 square feet in 2 years for special land uses (automotive, gas stations, restaurants and parking lots).</li> <li>Contains revised requirements for street, sidewalk and trail projects that may increase number of projects covered by C.3.</li> <li>Regulates replacement of arterial roads within existing footprint (i.e., even if no expansion).</li> <li>For project data reporting, requires additional specificity regarding location of project, watershed, developer, tracking of phases, and project application date.</li> </ul>	<ul style="list-style-type: none"> <li>It is recommended that the permit keep the size threshold for all “Regulated Projects” at 10,000 square feet because the stormwater pollutants from smaller “Special Land Use Categories” types of projects can be adequately handled using good site design and source controls by applying low impact development principles. Also, SMCWPPP recommends that the permit not require covered parking lots to treat stormwater because there is no exposure to rainfall.</li> <li>The current permit excludes stormwater treatment for “sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features” (Provision C.3.c.i.2) in order to promote alternative modes of transportation. Given the priority that the state is placing on controlling greenhouse gas emissions, it makes sense that these exclusions be continued in the MRP.</li> <li>The current permit allows “road pavement structural section rehabilitation” (C.3.c.i.3) within the existing footprint without triggering a requirement to treat stormwater. The proposed permit should allow this exclusion to continue because of space limitations to construct treatment systems in these situations. The draft permit requires stormwater treatment for arterial roads that are rehabilitated. SMCWPPP requests that the current permit language (Provision C.3.c.i.3) be retained.</li> <li>The amount of reporting should be minimized given that this reporting does not bear a reasonable relationship to the cost of preparing these reports. Additional reporting requirements should be deleted.</li> </ul>
	3. Low Impact Development (LID)	<ul style="list-style-type: none"> <li>Definition of LID incorporates source control and treatment controls as well as site design</li> </ul>	<ul style="list-style-type: none"> <li>Some of the LID requirements are overly prescriptive. For example, there may be places in watersheds where maintaining or replicating pre-development hydrologic regime is appropriate and other locations, such as in tidal areas or heavily urbanized areas, where it is not. The proposed MRP’s language</li> </ul>

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			requires that all Regulated Projects minimize their impervious footprint. In some locations where there is existing infrastructure, it would be better to promote denser development with more impervious surface in order to lessen urban sprawl. SMCWPPP recommends that the permit language in these sections be changed to require these types of measures “where applicable” (the fact sheet uses this language in describing this provision).
	4. Numeric Sizing for Stormwater Treatment		
	5. Alternative Compliance	<ul style="list-style-type: none"> <li>Does not allow alternative compliance for stormwater treatment by maximizing site design treatment controls for <u>new</u> infill development projects that are 1 acre or larger in size.</li> <li>Existing alternative compliance programs must be rescinded or modified to be consistent.</li> <li>Alternative project must be completed by the end of construction of the regulated project (allows a 3-year window for regional projects).</li> <li>Establishes cap on allowable parking spaces for residential development as part of transit-oriented development definition.</li> </ul>	<ul style="list-style-type: none"> <li>The Water Board should be encouraging new infill projects because of the multiple benefits compact development has on stormwater quality. The fact sheet provides no technical basis for limiting this aspect of alternative compliance to projects of less than one acre in size. SMCWPPP suggests that the permit be modified to allow new infill projects that are one acre or greater in size to use site design treatment controls as a method of achieving alternative compliance. The permit’s good idea of allowing alternative compliance for new, small infill projects should be expanded to also include larger infill projects.</li> <li>There are no existing alternative compliance programs that SMCWPPP is aware of in San Mateo County, so this proposed requirement should not be an issue.</li> <li>The 3-year time requirement for constructing regional projects is too inflexible and would prevent the implementation of some beneficial projects that require longer time horizons to plan and construct. The permit should state that the 3-year period is encouraged, but longer time periods may be allowed up to a 10-year period.</li> <li>The fact sheet does not provide the technical basis for the parking limitations on transit oriented residential developments. The permit is overly prescriptive on establishing its parking limits, and SMCWPPP recommends that these be deleted from the permit.</li> </ul>
	6. Alternative Certification of Stormwater Treatment Systems		
	7. Hydromodification Management		
	8. Operation and Maintenance of Stormwater Treatment Systems	<ul style="list-style-type: none"> <li>Requires minimum inspection of 20% of total number of BMP facilities annually as part of O&amp;M program.</li> <li>Requires reporting of compliance status for facilities inspected for O&amp;M.</li> </ul>	<ul style="list-style-type: none"> <li>The current permit requires that permittees “inspect a subset of prioritized treatment measures for appropriate O&amp;M, on an annual basis” (Provision C.3.e.i). The fact sheet does not describe the basis for significantly increasing the required level of effort, or the specific basis for requiring that the number of inspections be a minimum of 20% of the total number. SMCWPPP recommends that the permit continue to allow municipalities flexibility on the exact number and percentage of treatment controls inspected provided that the municipality has an effective program of assuring that stormwater treatment systems</li> </ul>

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			<p>are being maintained.</p> <ul style="list-style-type: none"> <li>The draft permit requires detailed reports on O&amp;M inspections that would result in an excessive amount of effort being directed to reporting, and this will have a detrimental effect on the amount of time available for doing inspections and correcting problems. The amount of reporting should be limited to the total number of treatment measures inspected each year and a summary of the categories of problems found. The use and reporting of “compliance rate/percentage” is a not a good metric of the effectiveness of municipalities’ operation and maintenance verification programs, and SMCWPPP recommends its deletion from the permit’s requirements.</li> </ul>
	9. Detached Single Family Homes		
	10. Impervious Surface Data Collection	<ul style="list-style-type: none"> <li>Requires Permittees to jointly propose regional pilot study for collection of impervious surface data</li> <li>Requires selected pilot study permittees to report C.3. project data for small projects (that create/replace 1,000 to 10,000 SF).</li> <li>Four months to prepare pilot study; begin data collection in 1 year; does not say how long to collect data.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the proposed requirements to collect additional impervious surface information for projects smaller than 10,000 square feet be deleted from the permit. The collection of this information is unnecessary because it was collected previously and there is no significant reason to collect additional information now. The Water Board staff previously collected information from the following cities about the amounts of impervious surface being created and/or replaced during the following time periods: Dublin (January – December 2005), Fairfield (July 2004 – June 2005), Livermore (January – December 2005), Menlo Park (April 2000 – March 2005), Palo Alto (October 2001 – December 2005), Pleasanton (January 2003 – November 2005), and Suisun City (July 2004 – June 2005). The amount of impervious surface being created that is not being regulated under the current permit requirements is very small.</li> </ul>

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<b>Industrial and Commercial Site Controls Provision C.4</b>	1. Legal Authority for Effective Site Management	<ul style="list-style-type: none"><li>• Confirm key elements within 12 months.</li><li>• The draft permit's footnote 9 defines dischargers as "any responsible party or site owner or operator within the Permittees' jurisdiction whose site discharges stormwater runoff or a nonstormwater discharge."</li><li>• Requirement for Permittees to notify Water Board of extended timeframes for abatement, which draft permit sets as within 48 hours for discharges and 45 days for threatened discharge</li><li>• Requirements to have the ability to levy citations or administrative fines against responsible parties immediately at the site or within a few days.</li></ul>	<ul style="list-style-type: none"><li>• The draft permit requires that any revisions to local ordinances be completed by July 1, 2009. SMCWPPP requests that the permit require that any ordinance changes needed to comply with this and other sections of the permit be completed within one year of the permit's adoption.</li><li>• SMCWPPP recommends that the proposed permit's requirements regarding violation responses be clarified that these are violations of local municipal stormwater ordinances. In addition, the draft permit's footnote 9 should further clarify that to be a discharger for purposes of this permit, the discharge must flow to an MS4 owned or operated by a municipality covered by the permit.</li><li>• The Water Board staff should not be notified of extended abatement timeframes unless it requests this information. SMCWPPP recommends that to help streamline the implementation of the permit, the language should be conditioned, such as the following: "the Permittees shall notify the Water Board <u>when requested by the Water Board</u> of extended time frame..."</li><li>• Levying citations or administrative fines is not always the most effective method of enforcement, and SMCWPPP suggests that the permit allow municipalities the flexibility to choose from a variety of enforcement tools that may exclude one or both of these alternatives.</li></ul>

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	2. Industrial and Commercial Business Inspection Plan (Inspection Plan)	<ul style="list-style-type: none"> <li>• High, medium and low priority facilities listed/prescribed (added facility types beyond local control – Water Board authority). Minimum freq. of inspections of 1x/5 yrs for facilities with low potential for stormwater pollution and 1x/3yrs for medium potential.</li> <li>• Inspect high potential sites 1x/yr and requires this frequency of inspection for NOIs, landfills, SARA Title III, and haz mat disposal, storage &amp; recovery.</li> <li>• Required to determine which facilities need NOI coverage and include in Annual Report.</li> <li>• Required to inspect mobile businesses.</li> <li>• The permit requires inspection of “commercial or industrial sites/sources” tributary to impaired waters.</li> <li>• Establishes minimum inspection frequency of once per five years for all facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be flexibility in what businesses are inspected and how frequently similar to what is currently and successfully being implemented. Municipalities should be able to assign businesses to either a high or low priority for inspection. Businesses to be inspected should be limited to ones that discharge to a MS4 that is owned or operated by the municipality that has coverage under the permit similar to what is described in the fact sheet. SMCWPPP recommends that the permit incorporate flexibility by allowing municipalities to use a reasonable potential analysis to choose the types of businesses and particular businesses within the types for inspection from among those listed in C.4.b. ii.</li> <li>• The proposed permit is overly prescriptive in requiring annual inspections of the listed facilities. As described above, SMCWPPP suggests that the permit allow municipalities flexibility based on a reasonable potential analysis to determine how frequently to inspect each business.</li> <li>• Considerable judgment is needed to determine which facilities need coverage under the state's Industrial General Permit. The Water Board staff is in the best position to make decisions about which businesses require coverage under this permit. Municipalities have been willing to forward information about businesses that might need to obtain Industrial General Permit coverage when Water Board staff has requested this type of information.</li> <li>• SMCWPPP recommends that the permit specify that municipalities are only required to inspect mobile businesses whose principle place of business is located in a municipality.</li> <li>• SMCWPPP suggests that the requirement to inspect “site/sources” be changed to “businesses” that discharge impairing pollutants generated by their business operations at above background levels to a municipality's MS4.</li> <li>• As recommended above, the permit should be simplified to require that inspections occur either once every five years or annually for businesses that merit inspections. The basis for the once every three year inspection category is not described in the fact sheet, reduces municipalities flexibility, and seems overly prescriptive and unnecessary.</li> </ul>

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	3. Legal Authority for Effective Site Management and Enforcement Response Plan	<ul style="list-style-type: none"> <li>Additional highly detailed BMP specifications and guidance (very prescriptive approach), including definitions of violations based solely on non-stormwater discharges.</li> <li>Create electronic database for detailed reporting of all inspection data including enforcement follow-up data/records; database must include record of all verbal warnings.</li> <li>Requirements for 48 hr cleanup and/or abatement of an ongoing discharge or spill.</li> <li>Requirement for up to 45 day response to correct a <u>threatened</u> discharge.</li> <li>Requirement for a three-year rolling window to track violations.</li> <li>Required to regulate discharges outside municipal jurisdiction (essentially regulate all discharges to waters of the state).</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests the following changes to the permit: Either delete the Enforcement Response Plan (ERP) requirements or if the Water Board insists on having ERP requirements, combine all of the ERP requirements (currently located in this section and the Illicit Discharge Detection and Elimination and Construction Site Control Provisions) into one integrated and consistent set of requirements. The inclusion in the definition of a Tier Two violation of “evidence of potential or threatened polluted discharge” is vague, unnecessary, and should be deleted. The draft permit’s requirements that “verbal warnings are allowed only for the first observed Tier Two offense within a yearly period” provides too little flexibility for inspectors to identify the optimum use of their limited time to obtain compliance with local municipal stormwater ordinances.</li> <li>The requirements for electronic databases of inspections in various permit sections should be consistent with each other and allow the flexibility of using alternative means of recordkeeping to document compliance with local municipal stormwater ordinances.</li> <li>The requirements for an ongoing discharge may be overly restrictive if the discharge does not pose a significant threat to water quality. SMCWPPP suggests that the permit be modified to allow inspectors to use their judgment.</li> <li>The up to 45-day response to threatened discharge should be made more flexible because some threats are more serious than others, and businesses should not be inspected if they do not pose at least some threat to discharge. SMCWPPP suggests that the permit be changed to allow this flexibility.</li> <li>The technical rationale for using a three-year rolling window to track violations is not explained in the fact sheet. This type of detail should be left to each municipality to decide as part of the development of its ERP or a policy set by each municipality.</li> <li>The federal Clean Water Act requirements are for regulating discharges from a MS4, and the permit should be limited to imposing requirements on businesses that discharge to a MS4 owned or operated by a municipality with coverage under the permit.</li> </ul>
	4. Staff Training		
<b><i>Illicit Discharge Detection and Elimination Provision C.5</i></b>	1. Legal Authority	<ul style="list-style-type: none"> <li>Confirm legal authority within 4 months.</li> <li>Establish legal authority over significant trash/litter generating activities regardless of connection to stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>Different sections of the permit have a range of dates for when adequate legal authority should be established, and SMCWPPP recommends that at least one year from permit adoption be provided for municipalities to make any improvements that might be needed to control discharges to their MS4. Allowing 4 months for the legal authority in this section is also inconsistent with the realistic one year period provided under the Industrial/Commercial Inspection Program provision.</li> <li>SMCWPPP recommends that any legal requirements in the permit for controlling “significant trash/litter generating activities” be limited to these activities that affect the quality of water in the MS4 system owned or operated by a municipality with coverage under the permit.</li> </ul>



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	2. Enforcement Response Plan	<ul style="list-style-type: none"> <li>Develop ERP by Nov. 30, 2008.</li> <li>Requirements to expand ICID well beyond Clean Water Act. ICID requirements to cover tracking, investigation and enforcement to a wide variety of threatened discharges to systems within municipal jurisdiction as well as beyond municipal jurisdiction.</li> <li>Requirement for response and fix discharge or spill within 48 hrs and 45 days for a threatened discharge.</li> <li>Required to notify Water Board within 48 hrs of "Tier One violation that does not enter the municipal conveyance."</li> </ul>	<ul style="list-style-type: none"> <li>As described above, SMCWPPP recommends that the ERP requirements be deleted from the permit because they are not required by the federal Clean Water Act. If the Water Board insists on requiring an ERP, an adequate amount of time will be needed to develop an ERP. Based on our experience, SMCWPPP recommends that the permit allow one year after adoption of the permit. The ERP needs to be supported by local ordinances that require adequate time to draft, allow public review comment, and adopt. The fact sheet does not explain the basis of allowing only 4 months to develop an ERP. Following development of the ERP, the permit should allow one year to complete training on the ERP in order for the training to fit into an annual training workshop.</li> <li>The requirement to control "trash/litter generating activities of varying seriousness" (C.5.b.i.(4)) should be conditioned upon the trash and litter adversely affecting water quality in an MS4 owned or operated by a municipality with coverage under the permit. Section C.5a.i.(1)(a) requires that permittees control certain activities by "responsible parties" within their jurisdiction; this requirement should be limited to controlling responsible parties' pollutant generating activities where these pollutants adversely affect water quality of the MS4 system that the municipality owns or operates.</li> <li>The permit needs to allow flexibility in responding to discharges and threatened discharges. This comment is expressed above under the similar permit requirement for Industrial and Commercial Site Controls.</li> <li>SMCWPPP recommends that the permit be modified to delete the requirement that municipalities notify the Water Board within 48 hours of a Tier One violation where there is no discharge to the MS4. Notifications of the Water Board should be left to the judgment of municipal staff implementing the permit.</li> </ul>
	3. Spill and Dumping Response, Complaint Response, and Frequency of Inspections	<ul style="list-style-type: none"> <li>Required to have spill response contact information available and integrated into training and outreach to both public and staff by November 30, 2008.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to allow one year following permit adoption to prepare the spill response flow chart and phone tree and conduct training because SMCWPPP does not normally perform training during the period shown in the permit. In addition, as described above, it is uncertain when the permit will be adopted, so it does not make sense to put dates certain in the permit here or elsewhere.</li> </ul>

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	4. Collection System Screening - Municipal Separate Storm Sewer System (MS4) Map Availability	<ul style="list-style-type: none"> <li>Required to survey at least 1 system check point per square mile once per year.</li> <li>Make MS4 maps publicly available in 12 months.</li> <li>Video inspections of storm drains.</li> </ul>	<ul style="list-style-type: none"> <li>The fact sheet does not provide the technical basis for why municipalities need to survey strategic collection system check points at a density of one screening point per square mile. It is unnecessary to specify the minimum number of checkpoints if municipal staff is trained to check for illicit discharges while performing other routine maintenance activities. SMCWPPP recommends that the one check point per square mile requirement be deleted from the permit because it may unintentionally divert municipalities' efforts from effectively prohibiting non-stormwater discharges to the MS4.</li> <li>The draft permit's requirement to make MS4 maps available to the public would require a substantial amount of work without any clear benefit to water quality. All of the municipalities' maps are public documents that are available upon request. SMCWPPP suggests that this requirement should be deleted and substituted with a requirement to use the Oakland Museum of California maps, where available, of creeks and storm drains. These maps have been completed with financial assistance from SMCWPPP. These maps provide information that would be useful to the public.</li> <li>It is unclear how video inspections of storm drains would count toward meeting the draft permit's requirements to do "above ground check points." This should be explained or the inclusion of video inspections deleted from the permit.</li> </ul>
	5. Tracking and Case Follow-up	<ul style="list-style-type: none"> <li>Increased tracking and reporting.</li> <li>Required to develop/maintain database.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests that the tracking and reporting be limited to significant incidents or discharges that are confirmed to have entered the MS4 owned or operated by the municipality and found to be threatening water quality.</li> <li>The draft permit's requirement to "create and maintain a water quality and dumping complaint tracking and follow-up database system" (C.5.e.ii) is overly prescriptive. SMCWPPP suggests that municipalities be allowed the flexibility of using a database or equivalent system of their choosing to track illicit discharges. In addition, it is unclear what "water quality" is being referred to in this permit requirement, and it should be deleted or clarified.</li> </ul>
	6. Illicit Discharge Control Plan		
	7. Staff Training		
<b>Construction Site Control Provision C.6</b>	1. Legal Authority for Effective Site Management	<ul style="list-style-type: none"> <li>Required to have legal authority by November 30, 2008 to impose fines (a problem for some co-permittees).</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to limit the requirements on construction sites to those that are tributary to a municipality's MS4s, not "all construction sites" as proposed. As described above under Illicit Discharge Detection and Elimination Program comments, the draft permit has a range of dates for when adequate legal authority must be established. SMCWPPP recommends that at least one year from permit adoption be provided for municipalities to make any needed improvements to control discharges to their MS4. The proposed specific permit requirement to be able to impose fines is overly prescriptive and, as described above, SMCWPPP recommends that the permit allow municipalities flexibility to identify in its ERP or local policies the enforcement tools that it believes are necessary and effective to achieve compliance with its municipal stormwater ordinance.</li> </ul>

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	2. Enforcement Response Plan	<ul style="list-style-type: none"> <li>Requires one element of ERP to be citations, fines and other administrative action (a problem for some co-permittees)</li> <li>Develop ERP by November 30, 2008.</li> </ul>	<ul style="list-style-type: none"> <li>As described above, SMCWPPP recommends that the requirement for an ERP be deleted. If the Water Board insists on requiring an ERP, municipalities need to have the flexibility to levy citations with civil penalties or to use administrative actions to obtain compliance with local municipal stormwater ordinances. The proposed permit requirement to levy citations with civil penalties is not supported by USEPA's Compliance Assistance Guidance cited in the fact sheet. As drafted the permit does not provide municipalities with sufficient flexibility, and it negates the value of each municipality developing an ERP or local policy that fits its unique stormwater program.</li> <li>If the Water Board insists on requiring an ERP, there should not be three separate permit provisions that prescribe ERP requirements that are different from each other. As described above under Illicit Discharge Detection and Elimination Program comments, an adequate amount of time is needed to develop an ERP. SMCWPPP recommends that the permit allow one year after permit adoption to develop an ERP.</li> </ul>
	3. Minimum Required Management Practices	<ul style="list-style-type: none"> <li>Minimum BMPs must be applied to <u>ALL</u> sites with building or grading permits.</li> <li>Required use of advanced treatment for sediment removal at sites "that are determined by the Permittee to be an exceptional threat to water quality."</li> </ul>	<ul style="list-style-type: none"> <li>As described above, SMCWPPP recommends that the permit limit its requirements on construction sites to those sites that are tributary to an MS4 owned or operated by a municipality covered by the permit.</li> <li>The requirements for advanced treatment should be the same as those that will be prescribed in the next Construction General Permit. SMCWPPP recommends that the draft permit either delete the requirements for advanced treatment for sediment removal or state that the requirements are interim and will only apply until advanced treatment requirements are adopted in the reissued Construction General Permit.</li> </ul>
	4. Erosion Control Plan Approval Process		
	5. Type/Contents of Inspections	<ul style="list-style-type: none"> <li>Requirements to track in an electronic database or equivalent system all wet season, stormwater-specific inspections and screening inspections that found a violation.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests that the draft permit's requirement be limited to maintaining a record of each wet season, stormwater specific inspection and each screening inspection that found a significant violation of a municipal stormwater ordinance. Construction inspectors need to focus on identifying and correcting problems. The amount of recordkeeping and reporting should be limited to the minimum amount needed to resolve significant problems.</li> </ul>
	6. Frequency of Inspections	<ul style="list-style-type: none"> <li>Inspect high priority construction sites, which include ones that pose a significant threat to water quality, every 2 weeks.</li> <li>By Sept. 1<sup>st</sup>, send pre-wet season notification letters or inspect all sites &gt; 1 acre</li> </ul>	<ul style="list-style-type: none"> <li>The municipalities should have flexibility in deciding what frequency it inspects high priority construction sites to check on erosion and sediment control. There are typically periods in the wet season where rainfall does not occur for several weeks, and the municipalities need to be able to allocate their inspection time based on particular circumstances. SMCWPPP recommends that an explicit inspection frequency for high priority construction sites not be included in the permit.</li> <li>SMCWPPP recommends that the methods allowed to notify construction site owners or operators about pre-wet season inspections be expanded to also include emails, text messages, faxes, or telephoned messages.</li> </ul>
	7. Staff Training		

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
	8. Tracking and Reporting	<ul style="list-style-type: none"> <li>Use electronic database or equivalent to track number of inspections and all violations at active sites, for threatened or actual discharges.</li> </ul>	<ul style="list-style-type: none"> <li>The permit should not require tracking of stormwater-specific inspections that identify a threatened discharge. SMCWPPP recommends that the permit limit tracking to significant violations of municipal stormwater ordinances.</li> </ul>
<b>Public Information and Outreach Provision C.7</b>	1. Storm Drain Inlet Marking	<ul style="list-style-type: none"> <li>Inspect and maintain 90% of inlets.</li> <li>For inlets on privately maintained streets where stormwater discharges to MS4, retrofit inlet markings by July 2012.</li> </ul>	<ul style="list-style-type: none"> <li>Storm drain inlet marking is an important way to educate the public. However, it will be difficult for some municipalities to inspect and maintain 90% of inlets, especially considering all of the draft permit's proposed additional maintenance requirements. The requirement should be expressed as a goal to maintain 90% of the inlet markings.</li> <li>The fact sheet does not explain the technical basis for the draft permit's requirement that municipalities require the entity responsible for maintaining private streets to mark storm drain inlets. It is also unclear how big of a job this will be, what it would accomplish if it was done, and how much time it might take. It is recommended that the permit requirement be changed to have municipalities develop a work plan and implementation schedule for doing a pilot study of retrofitting private streets that have unmarked storm drain inlets where these inlets are tributary to the MS4 owned or operated by a municipality that has permit coverage.</li> </ul>
	2. Advertising Campaign	<ul style="list-style-type: none"> <li>Specifies two pollutants of concern.</li> <li>Requires two separate campaigns and two surveys.</li> </ul>	<ul style="list-style-type: none"> <li>The draft permit specifies that "trash/litter in waterways and pesticides" be the two pollutants of concern to target in advertising campaigns/media buys. This will result in overly diffuse campaigns. Since the state regulates the use, sale, and transportation of pesticides, SMCWPPP recommends that the permit be modified to require that municipalities focus entirely on trash/litter that is transported through MS4s.</li> <li>SMCWPPP suggests that the permit require only one advertising campaign and assessment survey because these campaigns are expensive and there are higher priorities for use of public education funds.</li> </ul>
	3. Media Relations		
	4. Point of Contact		
	5. Public Outreach	<ul style="list-style-type: none"> <li>Specified number of events.</li> <li>Co-permittees can only get credit for half of Program events.</li> </ul>	<ul style="list-style-type: none"> <li>The number of events is too high. It is unclear what the technical basis for the number of required events is since it is not described in the fact sheet.</li> <li>The number of required outreach events is a concern because footnote 10 states that municipalities may only claim credit for up to half of the number of countywide program events. Limiting the credit municipalities receive for participating in countywide events would discourage participation in these events. SMCWPPP recommends that the permit be modified to allow municipalities the opportunity to claim credit for all of the countywide events that they fund or participate in.</li> </ul>
	6. Watershed Stewardship Collaborative Efforts		

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
	7. Citizen Involvement Events	<ul style="list-style-type: none"> <li>Specified number of events.</li> <li>Co-permittees can only get credit for Program events if events are in their jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>Involving citizens in monitoring and other watershed types of activities should be encouraged by the permit. SMCWPPP suggests that the permit specify that each citizen monitoring event, watershed field activity, and workshop/conference/meeting will count as one citizen involvement event.</li> <li>The draft permit's footnote 12 requires that municipalities may only claim credit for countywide activities that are conducted within a municipality's jurisdiction. This is overly restrictive since many countywide events may be held in one municipality, but draw volunteers from other municipalities, such as Coastal Cleanup Day. SMCWPPP recommends that the permit be revised to allow municipalities the opportunity to claim credit for all SMCWPPP-sponsored citizen involvement events that occur anywhere in the county and that the municipality helps to fund or participate in.</li> </ul>
	8. School-Age Children Outreach	<ul style="list-style-type: none"> <li>Outreach required for K through 12.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP believes that educating students about stormwater pollutants and simple things they can do to prevent pollution of MS4s is a valuable activity. However, the draft permit separates the requirements for school-age children from the sections on Citizen Involvement Events and the Public Outreach Events. SMCWPPP suggests that the permit be modified so that the required outreach to school age children would be part of one or the other of these other event requirement sections of the permit.</li> </ul>
	9. General Outreach Materials		
	10. Comm/IND/ICID Related Outreach		
	11. Outreach to Municipal Officials		
	12. Research Surveys, Studies, Focus Groups	<ul style="list-style-type: none"> <li>Level of effort required for compliance is unclear.</li> </ul>	<ul style="list-style-type: none"> <li>Municipalities do not have the resources to be funding research. In addition, as described above, there should be only one advertising campaign, not two as proposed in the permit. SMCWPPP recommends that the requirement to "undertake research to identify and quantify audiences, knowledge, attitudes, practices, and trends..." (Provision 7.I.ii) be deleted from the permit because municipalities can rely on existing information to plan their advertising campaign.</li> </ul>
<b>Water Quality Monitoring Provision C.8</b>	1. Compliance Options		SMCWPPP has provided general comments on monitoring in its letter.
	2. SF Bay Receiving Water Monitoring	<ul style="list-style-type: none"> <li>"Fair-share financially."</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
	3. Status Monitoring/Rotating Watersheds	<ul style="list-style-type: none"> <li>Listing of specific water bodies "a priori" of collaborative plan development.</li> <li>Inclusion of "storm event" type monitoring in status section (should be included in</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that no specific watersheds be listed in the permit so that there is flexibility to decide in the future on which major waterbodies to monitor. The "waterbodies draining Daly City" should not be included in the permit because there are no creeks on the oceanside, just channels, tunnels, and culverts. For example, the major drainage channel on this side of Daly City is the Vista Grande canal</li> </ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
		<p>POC section).</p> <ul style="list-style-type: none"><li>• Inclusion of the following parameters in Table 8.1:<ul style="list-style-type: none"><li>• Chlorine</li><li>• Nutrients</li><li>• Temperature</li><li>• Diazinon and Water Tox (move to POCs section)</li><li>• Trash Assessments at BMI stations (should only be at stations downstream of enhanced controls)</li></ul></li><li>• Triggers based on single lines of evidence.</li></ul>	<p>that drains to a tunnel before discharging to the ocean.</p>
	4. Long-Term Trends Monitoring	<ul style="list-style-type: none"><li>• Inclusion of site selection criteria that will not allow coordination with SWAMP.</li><li>• Toxicity trigger that goes directly to TIE.</li><li>• Prescribed sites.</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
	5. Monitoring Projects: <ul style="list-style-type: none"><li>• Stressor Identification</li><li>• BMP Effectiveness Investigation</li><li>• Dry Weather Discharge &amp; First Flush Investigations (Pump Stations)</li><li>• Geomorphic Project</li></ul>	<ul style="list-style-type: none"><li>• Projects triggered by single lines of evidence</li><li>• Pump station investigations as described in Draft TO</li><li>• Geomorphic project.</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
	6. Pollutants of Concern (POC) Monitoring	<ul style="list-style-type: none"><li>• Storm event monitoring conducted as described in the Draft TO.</li><li>• Begin sampling all stations for POCs in</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
		Year 2.	
	7. Citizen Monitoring and Participation		
	8. Reporting	<ul style="list-style-type: none"> <li>November 30<sup>th</sup> due date for Electronic Reporting and Urban Creeks Monitoring Report.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
<b>Pesticides Toxicity Controls Provision C.9</b>	Introduction	<ul style="list-style-type: none"> <li>Requires control of pesticides that "pose a threat to water quality."</li> <li>Requires permittees to address use of pesticides by other sources within the permittees jurisdiction that "have the potential to enter the municipal conveyance system."</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to require that the threat to water quality be "significant" because virtually all pesticides pose some threat to water quality.</li> <li>SMCWPPP suggests that the permit language replace "municipal conveyance system" with "MS4 owned or operated by the municipality with coverage under the permit." Municipal separate storm sewer system is the term used in the federal Clean Water Act and is defined in the permit's Glossary, unlike municipal conveyance system.</li> </ul>
	1. Adopt IPM Policy/Ordinance	<ul style="list-style-type: none"> <li>Submit IPM ordinance or policy to Water Board by October 2009.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to not require the submission of the ordinance or policy if this has been done previously.</li> </ul>
	2. Implement IPM Policy/Ordinance		
	3. Municipal Employee Training	<ul style="list-style-type: none"> <li>Training and orientation of municipal employees that apply pesticides including over-the-counter pesticides.</li> </ul>	<ul style="list-style-type: none"> <li>Municipalities should not be required to expend time trainings employees on how to apply over the counter pesticides, and SMCWPPP recommends that this requirement be deleted from the permit.</li> </ul>
	4. Require Contractors to Implement IPM		
	5. Track/Participate Regulatory Processes	<ul style="list-style-type: none"> <li>Track California Department of Pesticide Regulation (DPR) activities and encourage it to coordinate California Food and Ag Code with California Water Code.</li> <li>Requirement to assemble and submit information to California DPR and County Ag. Commissioners</li> </ul>	<ul style="list-style-type: none"> <li>Municipalities should not have a permit requirement to encourage coordination of codes controlled by different state agencies. This is clearly not required by the federal Clean Water Act, and SMCWPPP recommends that this requirement be deleted.</li> <li>Again, municipalities should not have a permit requirement to collect data to assist the California DPR because it is not a requirement of the federal Clean Water Act. SMCWPPP recommends that this requirement be deleted from the permit.</li> </ul>
	6. County Ag Commissioner Interface		

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
	7. Annual Source Control Evaluation	<ul style="list-style-type: none"> <li>Requires annual evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>The draft permit requires a report in October 2012, when this report should be tied to the fourth annual report that is prepared following permit adoption. In addition, there is no point in including the word “annual” evaluation as implied by the heading to this section. On this basis SMCWPPP recommends that the permit required report be due as part of the fourth Annual Report prepared under this permit and that the word “annually” be removed from the following title: “Annually, Evaluate Implementation of Source Control Actions Relating to Pesticides” of subprovision C.9.g.</li> </ul>
	8. Public Outreach	<ul style="list-style-type: none"> <li>Report annually on “quantity of outreach material distributed”</li> </ul>	<ul style="list-style-type: none"> <li>There is no benefit to reporting on the number or pounds of outreach material distributed. SMCWPPP recommends that the permit be modified to simply require information on the types of outreach material that were distributed.</li> </ul>
<b>Trash Reduction Provision C.10</b>	1. Pilot Trash Control Implementation	<ul style="list-style-type: none"> <li>Requiring that <u>ALL</u> of the enhanced measures below be implemented in 10% of urban area for each Co-permittee regardless of Trash Impacts/Loading Rates: <ul style="list-style-type: none"> <li>Street Sweeping (weekly)</li> <li>Catch Basin Cleaning (4x/yr)</li> <li>Dumping site cleanup</li> <li>Public Outreach</li> </ul> </li> <li>Install Full Capture Treatment Devices in at least 5% of urban area, even if enhanced measures have been implemented.</li> <li>No certification process for “full capture” devices</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP’s letter describes and recommends a more flexible approach to making measurable improvements in solving trash and litter problems affecting MS4s.</li> </ul>
	2. Implementation and Assessment		
	3. Long-Term Plan for Trash Impact Assessment	<ul style="list-style-type: none"> <li>Develop a long-term plan that will address impacts from ALL sources of trash (stormwater and non-stormwater).</li> </ul>	
	4. Reporting		



Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
<b>Mercury Controls Provision C.11</b>	1. Collection and Recycling	<ul style="list-style-type: none"> <li>Requirement to promote and participate in recycling of mercury containing devices and equipment.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement should be limited to the mercury containing devices and equipment that pose a threat to contaminate MS4 runoff. SMCWPPP is unaware of any studies that demonstrate that MS4 water quality is threatened by the use of mercury-containing thermostats and switches.</li> </ul>
	2. Methylmercury Monitoring	<ul style="list-style-type: none"> <li>Requirement to analyze aqueous samples tested for total mercury for methylmercury.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement should be deleted from this section of the permit because it is already listed under Provision C.8.</li> </ul>
	3. Pilot Investigations of Hg Sources	<ul style="list-style-type: none"> <li>Identify drainage areas within 5 months.</li> <li>Abate or cause to be abated, land areas not municipally owned.</li> </ul>	<ul style="list-style-type: none"> <li>Because of the difficulty in completing all of the activities listed in the draft permit for identifying locations with elevated mercury, SMCWPPP proposes that the drainage areas with elevated mercury be identified within one year of the permit's adoption.</li> <li>Municipalities do not have the fiscal resources to be abating non-municipality owned contaminated property. SMCWPPP suggests that this language be revised to clarify that municipalities are not responsible for abating mercury contamination on private property or cleaning up mercury that has migrated to public property from privately-owned mercury release sites.</li> </ul>
	4. Pilot Sediment Removal/Management Enhancement Project	<ul style="list-style-type: none"> <li>Beginning July 1, 2011, implement most potentially effective measures based on evaluation of enhanced sediment removal practices.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit specify that using existing information the municipalities will complete an initial feasibility study and cost analysis of enhanced sediment management practices, including street sweeping. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the results of the initial feasibility study. In addition, SMCWPPP recommends that the implementation actions specified to begin on July 1, 2011 be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants.</li> </ul>
	5. Pilot On-site Stormwater Treatment Via Retrofit Project	<ul style="list-style-type: none"> <li>Co-permittees to conduct pilot stormwater treatment studies and report on effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to state that contingent on the availability of grant funding, the municipalities will implement pilot testing of appropriate on-site stormwater treatment retrofits at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.</li> </ul>
	6. Pilot Dry Weather/First Flush Diversion to POTW Project	<ul style="list-style-type: none"> <li>Implement 5 pilot studies to divert flows to POTWs.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests that the permit be changed to require that municipalities work with BACWA to use existing data to develop a plan for a feasibility study. The feasibility study should include an analysis of the cost/benefits of diverting dry weather and first flush flows from stormwater pump stations to POTWs. In addition, SMCWPPP recommends that the permit be modified to state that the municipalities will assist the regulatory oversight agencies to identify funding and/or potential responsible parties to implement diversions of stormwater pump stations flows, if any diversions are found to be appropriate, and/or implement other potential BMPs.</li> </ul>
	7. Hg Loads or Loads Reduced Monitoring	<ul style="list-style-type: none"> <li>Implement a monitoring program as specified in Provision C.8.f.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement should be deleted from this section of the permit because it is already listed under Provision C.8.</li> </ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
	8. Fate and Transport Study	<ul style="list-style-type: none"> <li>Conducting additional studies outside of the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to make it clear that municipalities' compliance with this task will be through its existing financial contribution to the Regional Monitoring Program.</li> </ul>
	9. Risk Reduction	<ul style="list-style-type: none"> <li>Broader implementation of actions designed to "manage" risk.</li> </ul>	<ul style="list-style-type: none"> <li>The permit should be modified to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</li> </ul>
<b>PCB Controls Provision C.12</b>	1. PCB Inspections into Existing Ind/Com Inspection Program	<ul style="list-style-type: none"> <li>Incorporates identification of PCBs and PCBs equipment into existing industrial inspections throughout the region without first a pilot program</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that grant funds be used to implement a pilot program in two communities to identify cost-effective and efficient ways to implement this type of program.</li> </ul>
	2. Pilot Building Demolition/Renovation Waste Management Project	<ul style="list-style-type: none"> <li>Prescriptive requirements that don't allow consistency with scope of an ongoing Prop 50 grant-funded project.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP requests that the draft permit's requirement be changed to require that municipalities' continue to participate through BASMAA in the Proposition 50 grant project as a stakeholder and project partner.</li> </ul>
	3. Pilot Investigations of PCB Sources	<ul style="list-style-type: none"> <li>Identify 5 pilot drainage areas within 5 months.</li> <li>The language in C.12.c.iii appears inconsistent with the language in C.12.c.v regarding abatement of land areas not municipally owned.</li> </ul>	<ul style="list-style-type: none"> <li>Because of the difficulty in completing all of the activities listed in the draft permit, SMCWPPP proposes that the drainage areas with elevated PCBs be identified within one year of the permit's adoption.</li> <li>Based on recent discussion with Water Board staff we understand that staff will revise these provisions to make it clear that municipalities are not responsible for abating PCB contamination on private properties. SMCWPPP is also interested in language being added that municipalities are not responsible for cleaning up PCBs that have migrated to public properties from privately-owned PCB release sites.</li> </ul>
	4. Pilot Sediment Removal/Management Enhancement Project	<ul style="list-style-type: none"> <li>During above pilot studies (no. 3), conduct pilot study for enhancing sediment/pollutant removal via municipal operations.</li> <li>Beginning July 1, 2011, implement the most potentially effective measures based on above pilot study for enhancing sediment/pollutant removal via municipal operations and evaluate high-efficiency street sweepers.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit specify that using existing information the municipalities will complete an initial feasibility study and cost analysis of enhanced sediment management practices, including street sweeping. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the results of the initial feasibility study.</li> <li>SMCWPPP recommends that the implementation actions specified to begin on July 1, 2011 be eliminated from the permit because PCB-related activities during the five-year permit term should be limited to cost-effective pilot studies.</li> </ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
	5. Pilot On-site Stormwater Treatment Via Retrofit Project	<ul style="list-style-type: none"> <li>Co-permittees to conduct pilot stormwater treatment studies and report on effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to state that contingent on the availability of grant funding, the municipalities will implement pilot testing of appropriate on-site stormwater treatment retrofits at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.12.c. (no. 3) are found to be inappropriate locations for this testing.</li> </ul>
	6. Pilot Dry Weather/First Flush Diversion to POTW Project	<ul style="list-style-type: none"> <li>Implement 5 pilot studies to divert flows to POTWs.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests that the permit be changed to require that the municipalities work with BACWA to use existing data to develop a plan for a feasibility study. The feasibility study should include an analysis of the cost/benefits of diverting dry weather and first flush flows from stormwater pump stations to POTWs.</li> <li></li> </ul>
	7. PCB Loads or Loads Reduced Monitoring	<ul style="list-style-type: none"> <li>Implement a monitoring program as specified in Provision C.8.f.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement should be deleted from this section of the permit because it is already listed under Provision C.8.</li> </ul>
	8. Fate and Transport Study	<ul style="list-style-type: none"> <li>Conducting additional studies outside of the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP recommends that the permit be modified to make it clear that municipalities' compliance with this task will be through its existing financial contribution to the Regional Monitoring Program.</li> </ul>
	9. Risk Reduction	<ul style="list-style-type: none"> <li>Broader implementation of actions designed to "manage" risk.</li> </ul>	<ul style="list-style-type: none"> <li>The permit should be modified to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address PCB-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</li> </ul>
<b>Copper Controls Provision C.13</b>	1. Manage Copper Cleaning/Treating of Architectural Features		
	2. Pool and Spa Discharges	<ul style="list-style-type: none"> <li>Require installation of sanitary sewer discharge connection for pools, spas and fountains, even in situations where this is not feasible (septic systems).</li> </ul>	<ul style="list-style-type: none"> <li>The draft permit (Provision C.13.b.ii) states that "permittees shall require installation of a sanitary sewer discharge connection for pools, spas, and fountains." SMCWPP recommends that this requirement be modified to apply only to new connections where there is adequate sewer capacity to accept these discharges. In addition, this requirement should not be imposed in areas of the county that rely on septic systems.</li> </ul>
	3. Vehicle Brake Pads	<ul style="list-style-type: none"> <li>Requirement to conduct desktop study to evaluate the implementation of enhanced treatment system design, operation and maintenance efforts.</li> </ul>	<ul style="list-style-type: none"> <li>SMCWPPP suggests that the permit be modified to delete the proposed "desktop study to evaluate the implementation of enhance treatment system design, operation and maintenance efforts" to "minimize the amount of brake pad-associated copper from reaching the Bay." SMCWPPP does not control the amount of copper that is used in brake pads, although it has contributed funds for years to the Brake-pad Partnership to help solve the copper brake pad problem. The Water Board may want to consider</li> </ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
			using grant funds or requiring that the manufacturers of these products conduct these types of studies.
	4. Industrial Sources		
	5. Studies to Reduce Copper Pollutant Impact Uncertainties	<ul style="list-style-type: none"> <li>Conduct or cause to be conducted technical studies to investigate possible copper sediment toxicity and technical studies to investigate sublethal effects on salmonids.</li> </ul>	<ul style="list-style-type: none"> <li>The municipalities do not have sufficient resources to complete this task on the schedule shown. SMCWPP recommends that the permit delete this requirement as a low priority item.</li> </ul>
<b>PBDEs, Legacy Pesticides and Selenium Provision C.14</b>	1. Control Program <ul style="list-style-type: none"> <li>Characterize representative distribution of PBDEs, legacy pesticides and selenium</li> <li>Identify Controls Measures</li> </ul>	<ul style="list-style-type: none"> <li>Characterization of PBDEs, legacy pesticides and selenium by October 2010</li> </ul>	<ul style="list-style-type: none"> <li>The municipalities do not have sufficient resources to complete this task according to the draft permit's schedule. SMCWPP recommends that the permit be modified to allow the municipalities five years to develop a plan and schedule for charactering these pollutants. The other option would be for the permit language to clarify that the data collected will be limited to existing data with the information summarized in a report due five years after adoption of the MRP.</li> </ul>
<b>Exempted and Conditionally Exempt Discharges Provision C.15</b>		<ul style="list-style-type: none"> <li>Establishes new requirements for permittees to regulate dischargers that are not co-permittees under the MRP. Includes requirements that dischargers implement specific BMPs, monitoring, and reporting. discharges (uncontaminated gw, foundation drains, crawl space drainages)</li> <li>Permittees will have to make sure dischargers test pumped groundwater, foundation drains, water from crawl space pumps, and footing drains for TSS, total petroleum hydrocarbons, VOCs, and metals</li> </ul>	<ul style="list-style-type: none"> <li>The Water Board adopted a reasonable way to regulate these minor types of non-stormwater discharges in its amendment to SMCWPPP's permit in July 2004. This 2004 permit amendment provides a simple list of BMPs that would need to be implemented to address minor non-stormwater discharges. SMCWPPP recommends that this permit provision be totally rewritten to include a simplified table of BMPs similar to what was done in the 2004 permit amendment. In addition, language should be added to the permit to provide municipalities flexibility to choose whether they want to take responsibility for ensuring water utilities comply with the requirements proposed for potable water discharges. For municipalities that choose not to assume responsibility for water utility discharges, the Water Board should adopt a General Permit for these types of discharges.</li> <li>The permit should be modified to delete any monitoring requirements because these conditionally exempted types of discharges should not contain petroleum hydrocarbons, VOCs, or unusual concentrations of metals. If the Water Board is interested in having one-time test data to show that a particular type of discharge qualifies for the conditional exemption, the specific monitoring information</li> </ul>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
		<ul style="list-style-type: none"> <li>• Permittees shall only allow dewatering discharges to storm drain collection system if there are no other feasible disposal alternatives</li> <li>• Requires that any discharge of 10,000 gpd or more groundwater be authorized by Water Board and it meet water quality levels in NPDES General Permits for fuel and VOCs.</li> <li>• The amount of reporting is overly prescriptive.</li> <li>• Required to discourage individual car washing and to encourage use of commercial car washes.</li> <li>• Requirement that all discharges from all new or remodeled pools, hot tubs, spas, fountains go to sanitary sewer</li> <li>• Permittees are required to regulate dischargers' planned potable water discharges including numeric benchmarks for chlorine residual, pH, and turbidity; requirements to notify interested parties, including NGOs; document potable water dischargers responses and complaints; and submittal of monthly electronic summary reports and annual self-audit summary reports of all discharges.</li> <li>• Requires significant new database and reporting</li> </ul>	<p>should be flexibly determined based on the type of discharge, its location, and the likelihood that it might contain particular pollutants at concentrations of concern.</p> <ul style="list-style-type: none"> <li>• All of the exempted and conditionally exempted discharges should be limited to ones that discharge to an MS4 owned or operated by a municipality covered under the permit. Many municipalities lack the authority to allow discharges to the sanitary sewer.</li> <li>• The permit should be modified to delete the proposed requirement that new discharges of uncontaminated groundwater at flows of 10,000 gpd or more be reported to the Water Board and local agencies before being discharged. If the Water Board desires this level of oversight it should simply state that the local agencies are not allowed to authorize these types of discharges because they are more appropriately regulated by the Water Board through a separate NPDES permit. In addition, the permit should be modified to delete the requirement for meeting water quality levels in NPDES General Permits because discharges that contain fuel or VOCs should not qualify for the conditional exemption under the MRP.</li> <li>• The amount and frequency of reporting is more appropriate for inclusion as regulatory requirements under one or more separate NPDES General Permits. The permit should be modified to drastically reduce the amount of reporting so that it is reasonable for a municipality to implement, or adopt NPDES General Permits for all of the minor types of discharges listed in Provision C.15.</li> <li>• Requirements on individual car washing, similar to all of the other types of discharges described in Provision C.15, should be limited to discharges that flow to the MS4 owned or operated by a municipality with coverage under this permit.</li> <li>• Some portions of San Mateo County do not have sanitary sewers so it would be impossible to meet the proposed requirement for directing new and remodeled pool waters, etc. to the sanitary sewer. In addition, many municipalities do not have control over what is discharged to the sanitary sewer, so the proposed permit requirements may be impossible to implement. The permit should be modified to encourage that these discharges go to the sanitary sewer, but it may not always be possible.</li> <li>• The permit proposes too many requirements for planned potable water discharges. These requirements should be reduced substantially to a simple list of BMPs as described in a 2004 amendment to SMCWPPP's current permit, referenced above. The first bullet in this section contains other SMCWPPP recommendations for modifying the permit as regards potable water discharges.</li> <li>• The permit should drastically reduce the amount of reporting required to match the low risk posed by these minor types of non-stormwater discharges.</li> </ul>
<b>Attachment E: Provision C.3.f, San Mateo Permittees, Hydromodific</b>	Section 4 (HM Control Areas)	<ul style="list-style-type: none"> <li>• HM Control Areas</li> </ul>	<p>Based on communications with Regional Water Board staff on February 20, 2008, the San Mateo Countywide Water Pollution Prevention Program requests that the following information be added at the end of Section 4 (HM Control Areas):</p> <p>The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) has identified five areas in the original map of HM control areas (Figure D-1 in the MRP), in which the boundary between the HM control</p>

Program Element	Program Activity/Draft TO Sub-provision	Provisions of Concern	Recommended Solutions to Proposed New Requirement
<b>ation Management Requirements</b>			<p>area and exempt areas cuts through individual properties. When SMCWPPP prepared the original map of HM control areas, the data set of Assessor’s parcels was not available. Now that these data are available, SMCWPPP has redrawn the boundary between HM control areas and exempt areas to avoid bisecting individual properties. The map of HM control areas is attached to this comment letter as Figure 1, showing the five subject locations. Five maps showing details of the HM control area at these locations are also attached (Figures 2 through 6). These figures show the proposed changes to the boundary. Since the original HM control area map was prepared, the Oakland Museum of California has published a new data set of watershed boundaries. These watershed boundaries are shown on the attached maps and were used as reference points in modifying the HM control area boundary.</p> <p>The modifications to the HM control area are summarized in the attachment titled “Table 1: Proposed Revisions to Map of HM Control Area to Coordinate with Roadways and Parcel Boundaries.” A text description of the proposed HM boundary, at each of the five subject areas, is included in the table.</p> <p>Municipalities are encouraged to pay special attention to projects that are proposed on properties adjacent to the boundary of the HM control area. In such cases, a property that is located just inside the boundary, on closer inspection, may be shown to drain to a hardened channel, and therefore would not require HM controls. Conversely, a property that is located just outside the boundary, on closer inspection, may be shown to drain to a soft channel, and therefore would be required to comply with the HM standard.</p>
<b>Attachment H Standard Monitoring Provisions</b>	Attachment H to Tentative Order	<ul style="list-style-type: none"><li>This attachment contains requirements that are more appropriate for monitoring wastewater effluent than the types of monitoring studies described in Provision 8</li></ul>	<ul style="list-style-type: none"><li>SMCWPPP recommends that some of the specific requirements for monitoring be made more specific by stating that these requirements apply to effluent monitoring. For example, under 3, add the underlined word shown as follows: “Records of <u>effluent</u> monitoring information...” Similarly, under 7, add the underlined words shown as follows: “All chemical, bacteriological, and toxicity analyses <u>of effluent samples</u> shall be conducted...” Under No 8: “<u>Effluent monitoring</u> for priority toxic pollutants...” Under No. 10: “<u>Effluent</u> monitoring shall be conducted according <u>to</u> the USEPA test procedures...”</li></ul>